

DETAILED ACTION

Status of Claims

Upon the amendment filed on 5/21/2009, claims 1, 4, 5, 8-10, 12, 14, 17, 18, 21 & 22 are pending in this application. Claims 3, 6, 7, 11, 13, 16, 19 & 20 were cancelled.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 & 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant has currently amended the claims to include receiving a/the signal from the first play button **or** a second play button. However, when further reading the currently amended language, the claim language of particular concern is "... wherein an audio segment associated with a front facing image is selected and played when one or none of the one or more frame selection button is activated and the signal for the first play button is received, wherein an audio segment associated with a back facing image is selected and played when one or none of the one or more frame selection buttons is activated and the signal for the second play button is received", this language is now including both a first play button and a second play button. So therefore, the play buttons are not optional, use of "or". For

Art Unit: 3715

purposes of the rejection below the examiner a first play button and a second play button is needed in this limitation.

Claim Rejections - 35 USC 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 4, 5, 8, 9, 14, 17, 18, 21 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loudermilk et al. (U.S. Patent Number 6,393,401) in view of Cornwell (U.S. Patent Number 7,103,552), Hu (U.S. Patent Number 6,990,293) and Chan (U.S. Patent Number 6,446,376).**

Referring to claims 1 & 14, Loudermilk et al. discloses an image display housing including an exterior surface configured to display one or more exterior images (Figs. 1A & associated text); one or more interior frames removably stored within the image display housing (Figs. 1B, 5 & associated Figure text) and configured to display one or more interior images (Figs. 1B, 5 & associated Figure text); an audio storage configured to store one or more audio segments associated with exterior and interior images (storage circuit 100); and an audio player configured to broadcast one of the one or more audio segments (column 3 lines 48-51) and at least first and second play buttons configured to activate the audio player (one or more switches 9), wherein the first play button is

Art Unit: 3715

associated with images on a front side of each of the one or more interior frames and the second play button is associated with images on a back side of each of the one or more interior frames (one or more switches 9; this wherein clause does not further structurally define and/or have a structural difference therefore, this wherein clause is not further limiting); one or more frame selection buttons associated respectively with one or more interior frames and wherein the one or more frame selection buttons are configured to initiate selection of the audio segments for broadcast such that one of the audio segments associated with a respective one of the interior images is selected when a respective one of the interior frames including the respective one of the interior images is selected (Figs. 1B & 5 & the associated text) and a control circuit configured to select one of the audio segments to broadcast based on activation of the first play button and activation of one or none of the one or more frame selection buttons (storage circuit 100/audio message circuit).

Loudermilk et al. does not disclose an audio storage locking mechanism wherein activation will prevent any new audio to be stored over previously stored audio within the audio storage and wherein activation of one of the one or more frame selection buttons causes a respective one of the one or more frames to be mechanically positioned out of the image display housing by linear non-pivotal movement. However, Cornwell teaches an audio storage locking mechanism wherein activation will prevent any new audio to be stored over previously stored audio within the audio storage (column 4 lines 4-37). It would

Art Unit: 3715

have been obvious to one of ordinary skill in the art at the time the invention was made to include an audio storage locking mechanism, as disclosed by Cornwell, incorporated into Loudermilk et al. in order to prevent the accidental re-recording over a message. *Loudermilk et al./Cornwell does not teach wherein activation of one of the one or more frame selection buttons causes a respective one of the one or more frames to be mechanically positioned out of the image display housing by linear non-pivotal movement.* However, Hu teaches also one or more interior frames (sliding drawer 24) removably stored within the image display housing (display apparatus 18 & sliding drawer 24 located within the display apparatus 18) and configured to display one or more interior images (displaying the image prints) and pulling out one or more frames causes a respective one of the one or more frames to be mechanically positioned out of the image display housing by linear non-pivotal movement (Figs. 1, 3, 7 & the associated text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include one or more interior frames removably stored within the image display housing and configured to display one or more interior images and pulling out one or more frames causes a respective one of the one or more frames to be mechanically positioned out of the image display housing by linear non-pivotal movement, as disclosed by Hu, incorporated into Loudermilk et al./Cornwell in order to switches the images. *Loudermilk et al./Cornwell/Hu does not teach wherein activation of one of the one or more frame selection buttons causes a*

Art Unit: 3715

respective one of the one or more frames to be mechanically positioned out of the image display housing. However, Chan teaches also one or more interior frames (one of the frames 30) removably stored with the image display housing (photo display unit) and configured to display one or more interior images (column 2 lines 54-57) and one or more frame selection buttons (movable selector/selector disc 70) wherein activation of one of the one or more frame selection buttons causes a respective one of the one or more frames to be mechanically positioned out of the image display housing (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include one or more interior images and one or more frame selection buttons, as disclosed by Chan, incorporated into Loudermilk et al./Cornwell/Hu in order to display the relevant photograph.

Referring to claims 4 & 17, Loudermilk et al., as modified by as modified by Cornwell, Hu and Chan, discloses further comprising: an audio recorder wherein activation by a record button records one of the one or more audio segments to the audio storage (column 5 lines 37-40 & column 10 lines 17-19 of Loudermilk et al.); and a control circuit configured to identify one of the one or more recorded audio segment with an associated image based on activation of the record button and activation of one or none of the one or more frame selection buttons (storage circuit 100/audio message circuit of Loudermilk et al.).

Referring to claims 5 & 18, Loudermilk et al., as modified by as modified by

Art Unit: 3715

Cornwell, Hu and Chan, teaches wherein one interior image is displayed on a front and another interior image is displayed on a back of each of the one or more interior frames (column 3 lines 29-31 of Chan).

Referring to claims 8, 9, 21 & 22, Loudermilk et al., as modified by as modified by Cornwell, Hu and Chan, discloses further comprising: an audio recorder wherein activation by a record button records one of the one or more audio segments to the audio storage (column 5 lines 37-40 & column 10 lines 17-19 of Loudermilk et al.); and a control circuit configured to identify one of the one or more recorded audio segment with an associated image based on activation of the record button (storage circuit 100/audio message circuit of Loudermilk et al.), an image record selector, and activation of one or none of the one or more frame selection buttons (column 10 lines 24-33 of Loudermilk et al.) and wherein the image record selector differentiates between images on a front side of each of the one or more interior frames and images on a back side of each of the one or more interior frames (column 10 lines 31-36 of Loudermilk et al.) (claims 9 & 22).

4. Claims 10 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loudermilk et al. in view of Cornwell, Hu and Chan.

Referring to claims 10 & 12, Loudermilk et al. discloses recording and storing an audio segment (column 2 lines 8 & 9 lines 49-54 & column 9 lines 19 & 20) receiving a signal from a first play button or a second play button (abstract: touching of the pictures or the frame, multiple switches 26 & column 8 lines 36-

Art Unit: 3715

43); and selecting and playing an audio segment associated with an image based on receiving a signal from one or none of one or more frame selection buttons associated with one of one or more frames of the image display and receiving the signal from the first play button or a second play button (column 2 lines 45-49, multiple switches 26, column 8 lines 36-43, Figs. 1B, 5 & the associated text), wherein an audio segment associated with a front facing image is selected and played when one or none of the one or more frame selection button is activated and the signal for the first play button is received (Fig. 5 & the associated text), wherein an audio segment associated with a back facing image is selected and played when one or none of the one or more frame selection buttons is activated and the signal for the second play button is received (Fig. 5 & the associated text) and further comprising the step of: selecting an audio segment associated with an interior image for play when one of the one or more frame selection button signals is received (abstract) (claim 12). *Loudermilk et al. does not disclose selectively locking the recorded audio segment to prevent erasure of the stored audio segment; activating one of one or more frame selection buttons associated with one or more interior frames to display one or more interior images by mechanically positioning a respective one of the one or more frames out of the image display housing by linear non-pivotal movement.* However, Cornwell teaches selectively locking the recorded audio segment to prevent erasure of the stored audio segment (column 4 lines 4-37). It would have been obvious to one of ordinary skill in the art at the time

Art Unit: 3715

the invention was made to include selectively locking the recorded audio segment to prevent erasure of the stored audio segment, as disclosed by Cornwell, incorporated into Loudermilk et al. in order to prevent the accidental re-recording over a message. *Loudermilk et al./Cornwell does not teach activating one of one or more frame selection buttons associated with one or more interior frames to display one or more interior images by mechanically positioning a respective one of the one or more frames out of the image display housing by linear non-pivotal movement.* However, Hu teaches pulling out one or more frames causes a respective one of the one or more frames to be mechanically positioned out of the images display housing by linear non-pivotal movement (Figs. 1, 3, 7 & the associated text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include pulling out one or more frames causes a respective one of the one or more frames to be mechanically positioned out of the images display housing by linear non-pivotal movement, as disclosed by Hu, incorporated into Loudermilk et al./Cornwell in order to switch the images. *Loudermilk et al./Cornwell/Hu does not teach activation of one of the one or more frame selection buttons causes a respective one of the one or more frames to be mechanically positioned out of the image display housing.* However, Chan teaches activating one of one or more frame selection buttons (movable selector 70) associated with one or more interior frames (one of the frames) to display one or more interior images by mechanically positioning a respective one of the one or more

Art Unit: 3715

frames out of the image display housing (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include one or more interior images, as disclosed by Chan, incorporated into Loudermilk et al./Cornwell in order display the relevant photograph.

Response to Arguments

5. Applicant's arguments, see amended claim 1, filed 5/21/2009, with respect to the Claim Objections have been fully considered and are persuasive. The objection of claim 1 has been withdrawn.

6. Applicant's arguments with respect to claims 1, 3-6, 8-10, 12, 14, 16-19, 21 & 22 have been considered but are moot in view of the new ground(s) of rejection.

Note

The examiner would truly appreciate if the applicant could resubmit the artifacts again, especially the Brookstone (Talking Photo Album). These artifacts were mistakenly put in the trash by the offices cleaning service. The examiner would like to thank the applicant in advance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KESHA FRISBY whose telephone number is (571)272-8774. The examiner can normally be reached on Monday-Friday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the

Art Unit: 3715

examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kesha Frisby
Examiner
Art Unit 3715

/Kesha Frisby/
Examiner, Art Unit 3715